

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4300 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MAHENDRA C KAPADIA

Versus

STATE OF GUJARAT

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Appearance:

MR NM KAPADIA for Petitioners

MR PS PATEL for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/12/97

ORAL JUDGEMENT

1. Rule. Mr. P.S. Patel waives service of rule on behalf of the respondents. On the request of the counsel for the parties, the matter is taken up for final hearing today.

2. One of the contentions made by the counsel for the petitioners, challenging the validity, legality and correctness of the order dated 29th April, 1997, is that

the said order has been passed without giving notice to the petitioners.

3. The counsel for the respondents very fairly submitted the notice which has been sent to the petitioners for the date of 9th July, 1995 has been received by the petitioners on 4th August, 1995.

4. In view of this admission of the counsel for the respondents, this petition deserves to be accepted. Order accordingly.

5. This special civil application succeeds and the same is allowed. The order annexure 'F' dated 29th April, 1997 is quashed and set aside. However, it is open to the respondents to consider the matter afresh after giving notice to the petitioners. Rule made absolute in the aforesaid terms with no order as to costs.

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